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PCT

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2009 OMB 0651-0021

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| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>   |  | ATTORNEY'S DOCKET NUMBER<br>207,388                                 |
| INTERNATIONAL APPLICATION NO.<br>PCT/EP2004/051230  |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>10/562763</b> |
| INTERNATIONAL FILING DATE<br>24 June 2004 (24.06.2004)  |  | PRIORITY DATE CLAIMED<br>26 June 2003 (26.06.2003)                  |
| TITLE OF INVENTION SUBCUTANEOUS IMPLANTS HAVING LIMITED INITIAL RELEASE OF THE ACTIVE PRINCIPLE AND SUBSEQUENT LINEARLY VARYING EXTENDED RELEASE THEREOF  |  |   |
| APPLICANT(S) FOR DO/EO/US MAURIAC, Patrice, et al.  |  |   |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |  |   |
| <ol style="list-style-type: none"><li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li><li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li><li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto.</li><li>b. <input checked="" type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li><li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <i>(Filed during PCT)</i></li><li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol> <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"><li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li><li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li><li>15. <input type="checkbox"/> A substitute specification.</li><li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li><li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li><li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li><li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li></ol> |  |   |

**STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. §1.10**

This collection is for the USPTO to include in the time you Department of Commerce Commission

This correspondence is being deposited with the United States Postal Service on December 27, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label No.: ER 059 675 025 US addressed to the Honorable Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|  |                                     |   |         |                                     |              |
|--|-------------------------------------|---|---------|-------------------------------------|--------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/562763</b>  |                                     | INTERNATIONAL APPLICATION NO.<br>PCT/EP2004/051230                            |         | ATTORNEY'S DOCKET NUMBER<br>207,388 |              |
| 20. Other items or information:  |                                     |   |         |                                     |              |
| The following fees have been submitted   |                                     |   |         | CALCULATIONS                        | PTO USE ONLY |
| 21.  | <input checked="" type="checkbox"/> | Basic national fee (37 CFR 1.492(a)).....                                     | \$300   | \$ 300.00                           |              |
| 22.  | <input checked="" type="checkbox"/> | Examination fee (37 CFR 1.492(c))   |         |                                     |              |
| If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0<br>All other situations.....\$200  |                                     |   |         | \$ 200.00                           |              |
| 23.  | <input checked="" type="checkbox"/> | Search fee (37 CFR 1.492(b))  |         |                                     |              |
| If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0<br>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100<br>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400<br>All other situations.....\$500 |                                     |   |         | \$ 400.00                           |              |
| TOTAL OF 21, 22 and 23 =   |                                     |   |         | 900.00                              |              |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)).<br>The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |                                     |   |         |                                     |              |
| Total Sheets   | Extra Sheets                        | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE    |                                     |              |
| 49 - 100 =   | -51 /50 =                           |   | x \$250 | \$ 0.00                             |              |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).  |                                     |   |         | \$ 0.00                             |              |
| CLAIMS   | NUMBER FILED                        | NUMBER EXTRA  | RATE    |                                     |              |
| Total claims   | 21 - 20 =                           | 1   | x \$ 50 | \$ 50.00                            |              |
| Independent claims   | 1 - 3 =                             | 0   | x \$200 | \$ 0.00                             |              |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |                                     |   | + \$360 | \$ 0.00                             |              |
| TOTAL OF ABOVE CALCULATIONS =  |                                     |   |         | \$ 950.00                           |              |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.  |                                     |   |         | 475.00                              |              |
| SUBTOTAL =   |                                     |   |         | \$ 475.00                           |              |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).  |                                     |   |         | \$ 0.00                             |              |
| TOTAL NATIONAL FEE =   |                                     |   |         | \$ 475.00                           |              |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property   |                                     |   |         | \$ 0.00                             |              |
| TOTAL FEES ENCLOSED =  |                                     |   |         | \$ 475.00                           |              |
|  |                                     |   |         | Amount to be refunded:              | \$           |
|  |                                     |   |         | Amount to be charged                | \$ 475.00    |

10/562763

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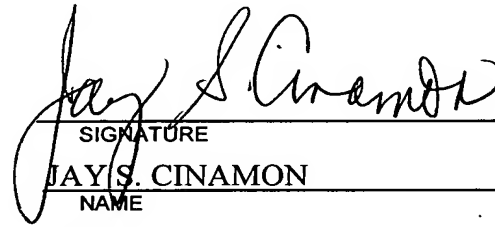
IAP20 Rec'd PCT/PTO 27 DEC 2005

- a. ☒ A check in the amount of \$ 475.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01-0035. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

JAY S. CINAMON  
ABELMAN, FRAYNE & SCHWAB  
666 Third Avenue, 10th Floor  
New York, NY 10017

  
SIGNATURE  
JAY S. CINAMON  
NAME

24,156

REGISTRATION NUMBER